

VIDYUT OMBUDSMAN
O/o: ANDHRA PRADESH ELECTRICITY REGULATORY COMMISSION
4th Floor, Singareni Bhavan, Red Hills, Hyderabad – 500 004

Present

K.Sanjeeva Rao Naidu
Vidyut Ombudsman

Dated 09 – 02 - 2012

Appeal No. 4 of 2011

Between
Sri A.Rama Sastry
6-120 & Plot No.40
Sampathnagar colony,
Behind Durga Theatre, Madhurawada
Visakhapatnam.

... Appellant

And

1. Asst Engineer/Operation/ Madhurawada
2. Asst Divisional Engineer/Operation/ Madhurawada
3. Divisional Engineer/Operation/ Zone-III/Visakhapatnam
4. Asst. Accounts Officer/ERO/ East/Visakhapatnam

....Respondents

The appeal / representation filed on 14.02.2011 against the CGRF order of APSPDCL (in CG No.247/2010-11 of Visakhapatnam Dist dt.27.01.2011). The same has come up for final hearing before the Vidyut Ombudsman on 27-01-2012. Sri A.Rama Sastry, Appellant present and Sri G.Raj Kumar, DE/O/Zone-III/Visakhapatnam, Sri VAN Srinivasa Rao, ADE/O/Madhurawada on behalf of respondents present, heard and having stood over for consideration till this day, the Vidyut Ombudsman passed/issued the following:

AWARD

The petitioner filed a complaint against the Respondents for Redressal of his Grievances and stated as hereunder:

“It is mentioned in his complaint that he paid the amounts towards regularization of his additional load to his Service No.273 in July, 2002. But the additional Load is not regularized so far and requested to redress his grievance.”

2. The Respondent – 2 has filed his written submission as hereunder:

“the service bearing SC.No.C011/000273 was inspected by Sri P. Kondalu, DE/DPE/Vizag on 07.08.2010. The connected load of the service as per the inspection is 3.45 KW. The existing contracted load of the service as per the records available is 1.97 KW.

The release details of the service are not available. It can be assumed that the service is released with a contracted load of 1 KW. The consumer has applied for additional load of 1KW vide Reg. No. 1034125 on 09.05.08. Hence, the contracted load of the service is 2 KW.

The consumer Sri A. Rama Sastry is claiming that he has paid Rs.1000/- vide DD.No. 345268 Dt. 13.07.2002 drawn in favour of DEE/O/Zone-I/VSP and Rs. 100/- vide DD.No. 345269 Dt. 13.07.2002 drawn in favour of AAO/ERO/West. He has produced the Xerox copies of the DDs only but couldn't produce any receipt.

Subsequently, the consumer has applied for additional load of 1 KW vide Reg. No.1034372 dt. 05.10.2010 at CSC, Madhurawads. Hence, the total contracted load of the service is 3 KW as per the records available.”

3. The 3rd Respondent has filed his written submission as hereunder:

“The action taken report is as hereunder:

Sl.No.	Name of the consumer	CSC No.	SC.No.	Description of the complaint.
1.	Sri A. Rama Sastry	CG.No.247/10-11	C011/273	Regularization of Additional Load.

AAO's ACTION TAKEN REPORT -

As per the consumer master the load of the contracted load is 1.97 KW where as the inspection by the authorities the connected load is 3.45 as on 7.45 as on 7.8.2001. The payment particulars furnished by the consumer stating that an amount of Rs. 1000 paid vide DD.No.345268 dated 13.07.2002 in favour of Divisional Engineer, Operation, Zone-I, Visakhapatnam and Rs. 100.00 in favour of the AAO/ERO/West, Visakhapatnam in favour of AAO/ERO/West, Visakhapatnam in DD No. 345269/13.07.2002 is not having either proof that the payment belongs to the same Service or valid receipts. If the consumer produces the receipts for the above, the same shall be considered. At present the connected load is 3 KW and the copy of the consumer master is enclosed herewith for ready reference.”

Final AAO's Action taken Report Dt.24-01-11:

the action taken report is as hereunder.:

Sl.No.	Name of the consumer	CSC No.	SC.No.	Description of the complaint.
1.	Sri A. Rama Sastry	CG.No.247/10-11	C011/273	Regularization of Additional Load.

“AAO’s Action Report:-

With reference to the CGRF complaint read with correspondence resting with the subject matter, the additional security deposit which has been paid by the consumer as detailed below has been regularized as follows.

- 1) Rs.1000.00 paid in DD.No.345268 (Receipt No.10358163/9.05.2008)*
- 2) Rs.100.00 paid in DD.No.345269 (Receipt of TCA from ERO/W/VSP)*
- 3) Rs.300.00 paid in receipt No.103519180/Dt.5-10-10.*

The consumer at present is having Rs.1450.00 towards security deposit in his account including Rs.50.00 paid at the time of release of supply

4. After hearing both sides and after considering the material placed before the Forum, the Forum passed the impugned order as here under:

- *“With the abnormal delay, the 4th respondent has resolved the issue against Sc.No.273, Sampathanagar Colony, Madhurawada, Visakhapatnam duly regularizing the additional security deposit particulars paid by the complainant consumer on 5/2008 in consumer’s master in ERO records. Now the balance of Security Deposit Rs.1450 is available in ledger.*
- *The 4th respondent is herewith WARNED that such type of issues should not be repeated in future.*

With the above directions CG.No.247/10-11 is disposed off.”

5. Aggrieved by the said order, the appellant preferred this appeal questioning the same that the requisite charges have been paid under voluntary disclosure scheme and submitted a DD during 2002 . Though they have paid the amount no receipt is given. Due to his transfers from place to place on account of his employment, he could not persist the issue. During 2008, on his return to Visakhapatnam he has proposed to install AC unit and approached the local APEPDCL office and they estimated and directed to pay the dues and to pay some amount. Accordingly, he paid the sum and DD obtained and forwarded to E-seva centre where a receipt was generated to that effect. During vigilance inspection, it was observed that he was having contracted load of 1.7kW and actual need is 3.97kW and demanded him to pay for 2KW further. He produced Xerox copies of vouchers held by him and they refused to consider the payments under voluntary scheme for which Xerox copy of DD is produced and it was not sufficient and only PR is required and his presentation is disregarded. The department is not taking action to issue duplicate receipt for the sums received and account for in the financial accounts nor accepting the demand drafts Xerox copy produced and the

department is suffering the customers and the matter is referred to the consumer forum and they have not taken proper perspective to initiate disciplinary action for not issuing PR for the sums received or to honour the PR issued by the department itself. It has simply mentioned that grievance is redressed. It is not known how it could happen. Even a hearing of the customer is not undertaken. But simply the versions of the officers who are interested to safe guard contemporaries only are taken base, thereby the customers are not properly redressed and the subject matter is brought to the notice of this authority to consider his grievance and necessary directions may be given to the department people and see that customers are not put to tease.

6. On 27.01.2012, the appellant was present before this authority at Visakhapatnam and he was supplied with a representation submitted by the respondents and adjourned the matter to 28.01.2012. The appellant has also submitted his reply to the representation submitted by the respondents.

7. As per the representation made by the respondents it is mentioned that during inspection it was found that the service connection was having contracted load of 3.45KW and as per the record, the contracted load was 1.97KW. The provisional assessment notice was issued to the consumer and the consumer acknowledged the PA notice on 01.09.2010 and endorsed and he stated on the acknowledgement *“received wrong bill under protest.3KW paid deposit shown 1.97 only why less shown to raise wrong data please correct revise and re-raise notice for attention and payment as required if necessary.”* The consumer has represented that he paid Rs.1000/- and Rs.100/- vide DD Nos. 345268 and 345269 dated 13.07.2002 respectively under Voluntary load disclosure scheme during 2002. He has also paid for additional load of 1KW and paid Rs.1325/- vide DD No.150988 dated 24.08.2008. The consumer has given Xerox copies of the DDs and they have verified the same and traced that the application is registered vide registration number 1034125 dated 09.05.2008. The information could not be traced immediately but ultimately they have traced with regard to payment of Rs.1000/- paid vide DD No.345268 dated 17.06.2002 and the payment particulars are updated. They have made an effort to refund Rs.1325/- on his complaint, but the consumer failed to furnish the bank particulars and simply he does not want to submit the bank particulars. Finally, the

respondent stated that they are discharging the legitimate duties to render better service and qualitative and uninterrupted power supply and to the better satisfaction of the consumers and the proceedings may kindly be dropped.

8. For this, the appellant has submitted a representation in the form of reply. He has simply denied all the averments in each and every substantive paras and they have finalised the disconnection list including his case. He paid Rs.1325/- for 1KW at Call centre at the direction of ADE. He wants redressal by directing the respondents for withdrawing the notice issued earlier by cancelling it with fresh order under copies marked to all concerned and reimbursing the costs (charges for multiple visits to bank etc) incurred in obtaining a certificate of payment from the bank authorities on the identified / produced DDs in question and refunding the charges paid for obtaining the DDs and postages thereto and evaluating compensation for the undue force/ thrust on him and securing collection of sums and the reasonable interest on the deposit of Rs.1100/- from the date of payment in 2002 to the present date of adjustment to his account and taking action on deficiency of service for not acting the consumers representations in time received from the customers under voluntary scheme.

9. The above said material clearly discloses that the appellant has paid under voluntary scheme and he has paid all requisite moneys as required by the department but he has given with notice by the vigilance authorities on the ground that the recorded load as 3.45KW though the actual load is 1.97KW as per the records and they were about to impose penalty, etc. On the representation made by the consumer, the said notice was withdrawn. Accusation may be made unless and until the same is proved, nothing can be attributed. Though it is false accusation or frivolous accusation if it is translated into action and acted upon, then only action can be taken against the respondents. Infact nothing is translated into action. So there is no possibility for imposing or awarding compensation.

10. He is not entitled for refund of the amount of Rs.1100/- together with interest from 2002 as it is an amount deposited by him for the said service connection issued to the required KW. He is entitled for the amount paid on 28.04.2008 together with interest at 6% p.a . He is also entitled for a sum of Rs.150/- towards bank charges

plus Rs.100/- towards expenses. He is also entitled for a sum of Rs.200/- towards postage charges. The respondents are also further directed to instruct the call centre people to issue receipt as and when the payment is made or DD is submitted. Since the amount is already ordered for refund for the lapses on the part of respondent and this authority is not competent to take disciplinary action against the respondents and the CMD is the only person competent to take disciplinary action against the individual. The respondent is also directed to send a DD by hand or by Regd post/Ack due to the appellant as he is not willing to disclose the bank details.

11. In the result, the appeal is disposed and an amount of Rs.2077/- is to be refunded to the appellant by way of demand draft, soon after receipt of the order.

This order is corrected and signed on this day of 9th February 2012

VIDYUT OMBUDSMAN